

✓ 11-CV-2342-BNB

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02622-LTB

FRANKIE LYNNETT MCCONNELL,

Plaintiff,

v.

ANDREA CIRBO,
DEBRA REILLY, and
PATRICIA GABOW,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

SEP - 6 2011

GREGORY C. LANGHAM
CLERK

ORDER TO TRANSFER DOCUMENTS TO NEW ACTION

Plaintiff, Frankie Lynnett McConnell, acting *pro se*, submitted two Prisoner Complaints (ECF Nos. 20 and 21) and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 19) to the Court for filing on September 1, 2011, each of which was labeled with the docket number for this closed case. However, because the instant action was dismissed and judgment entered on March 23, 2011, it is evident that Ms. McConnell intended to initiate a new case with these documents and erred in labeling these documents with the docket number for a closed case.

The Court, therefore, will direct the clerk of the Court to use the Prisoner Complaints (ECF Nos. 20 and 21) and the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 19) to open a new and separate case. The Court also will direct the clerk of the Court to file a copy of this order in both this case and in the new case the clerk opens. To avoid additional confusion, Ms.

McConnell is advised that she should not use the case number for a previously dismissed case if her intent is to initiate a new action. Any documents Ms. McConnell submits in the future in the new action must include the case number that new action will be assigned.

Accordingly, it is

ORDERED that the clerk of the Court is directed to use the Prisoner Complaints (ECF Nos. 20 and 21) and the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 19) to open a new and separate case. It is

FURTHER ORDERED that the clerk of the Court is directed to file a copy of this order in both this case and in the new case the clerk opens. It is

FURTHER ORDERED that any documents Ms. McConnell submits in the future in the new action must include the case number to be assigned in the new action. It is

FURTHER ORDERED that the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 filed in this action (ECF No. 19) is denied as moot.

DATED September 6, 2011, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 10-cv-02622-BNB

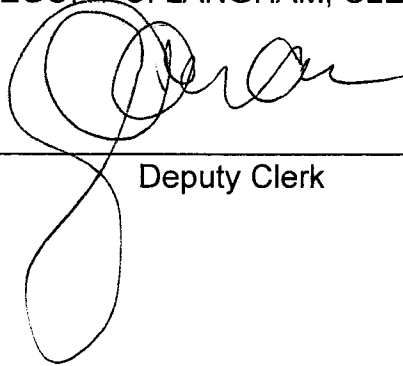
Frankie Lynnett McConnell
Prisoner No. 63672
La Vista Correctional Facility
PO Box 3
Pueblo, CO 81002

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on September 6, 2011.

GREGORY C. LANGHAM, CLERK

By: _____

Deputy Clerk

A handwritten signature in black ink, appearing to read 'Gregory C. Langham', is written over a horizontal line. The signature is stylized and cursive. A large, vertical loop extends downwards from the bottom of the signature.